

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

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**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**KEVIN DAVID McGOVERN and  
CMG CONSTRUCTION, INC.,**

**Defendant.**

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**CR 16-44-GF-BMM**

**CR 16-80-GF-BMM**

**ORDER**

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**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**CR 16-22-GF-BMM**

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**KEVIN DAVID McGOVERN and  
MC EQUIPMENT HOLDINGS,  
LLC,**

**Defendant.**

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Pursuant to a joint motion and good cause appearing,

IT IS HEREBY ORDERED that \$3,500,000 on deposit in the Court Registry Investment System (CRIS) and any potential interest on those funds after deduction of the Office of Administrative Court's management fees shall be applied as follows:

**Restitution:** Total restitution for all of the above captioned cases, taking into account the joint and several liability, amounts to \$1,380,000 (\$380,000 to Chippewa Cree Tribe (CR 16-22-GF joint and several liability of McGovern and MC Equipment Holdings); \$500,000 to Bureau of Reclamation (CR 16-44-GF joint and several liability of McGovern and CMG Construction); \$500,000 to Homeland Security (CR 16-80-GF liability of CMG Construction). Sufficient funds exist in the Court Registry to pay restitution in full. Restitution should be paid first from the Court Registry Investment System funds, leaving \$2,120,000

(\$3,500,000 less \$1,380,000 in restitution) plus any interest accrued after expenses for payment of fines.

**Fines:** Fines on above referenced cases amount to a total of \$3,200,000 (CMG Construction \$1,600,000 (\$1,200,000 in CR 16-44-GF and \$400,000 in CR 16-80-GF); MC Equipment Holdings \$800,000 (CR 16-22-GF); McGovern \$800,000 (\$300,000 in CR 16-22-GF and \$500,000 in CR 16-44-GF). Only \$2,120,000 plus interest remains to pay fines and there are not sufficient funds in the Court Registry Investment System to pay the fines in full. The remaining funds in the amount of \$2,120,000 plus interest in the Court registry shall be applied as follows:

First to CMG Construction fines in all cases in the amount of \$1,600,000 (\$1,200,000 in CR 16-44-GF and \$400,000 in CR 16-80-GF);

Second the remaining \$520,000 to the fine owed by MC Equipment Holdings (CR 16-22-GF), plus any interest accrued on the Court Registry funds after deduction of the Administrative Offices management expenses.

The above application will leave fines owed by McGovern in the amount of \$800,000, and approximately \$280,000 owed by MC Equipment Holdings.

IT IS FURTHER ORDERED that the Ex Parte Order (Doc. 106, CR 16-44) restraining the transferring, encumbering or concealing of McGovern's interest in the property described in the Order shall remain in effect until further order of this Court.

DATED this 8th day of August, 2017.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable. It is positioned above a horizontal line.

Brian Morris  
United States District Court Judge